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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,555	08/28/2003	Michael Wayne Brown	AUS920010818US2	7605

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EXAMINER
ELAHEE, MD S

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
11/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/650,555

Applicant(s)

BROWN ET AL.

Examiner

Md S. Elahee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-32 and 36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-32 and 36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 10/03/2007. Claims 1-9, 11-32 and 36 are pending. Claims 10 and 33-35 have been cancelled.

Response to Arguments

2. Applicant's arguments filed in the 10/03/2007 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-7, 11-18, 21, 23-32 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farris et al. (U.S. Patent No. 6,122,357) in view of Velius (U.S. Patent No. 5,594,784).

Regarding claims 1, 12, 21, with respect to Figures 1, 4, 5, Farris teaches a method for identifying a particular caller, said method comprising:

detecting a voice utterance at IP23 [i.e., an origin device], the origin device further comprising a telephony device (fig.1; col.11, lines 32-41, col.19, lines 32-46, col.35, lines 18-27);

identifying a caller identity associated with said voice utterance at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call (col.19, lines 65-67, col.20, lines 1-5, col.35, lines 18-27).

However, Farris does not teach the IP23 originating the call. The call of Farris is originated from the telephone terminal of the caller.

Again, Farris teaches that a voice identification recognizer/software is located in the IP23 to perform the claimed identification feature (fig.1).

Also, Velius teaches that the caller's terminal (customer premise equipment in Fig.1B) is equipped with the speech recognition software (26, Fig.1B) for identifying utterances of a caller (see col.5, line 65-col.6, line 5, col.7, lines 19-21). Velius further teaches that the caller's terminal is equipped with a memory dialing list (col.6, lines 23-25). The list stores relevant speech patterns such that the patterns are used for comparing the speech input of a caller (col.6, lines 23-29). This comparison is used to recognize the voice utterances of the caller (col.7, lines 21-25).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the caller's telephone terminal of Farris to incorporate the voice recognizer/software and the identification database. The caller's terminal can then originate outgoing call and identify the calling party as claimed. Farris clearly teaches such modification by moving the software from the IP23 to the caller's terminal. Velius's invention proves that similar voice recognition software had been placed in the caller's terminal. The modification enables the caller's terminal to identify the identity of the calling party. Furthermore, the modification of moving the recognition software to the caller's terminal gives additional benefit of reducing the traffic between the caller's terminal and the IP23.

Regarding claims 2, 13, 25, Farris teaches prompting said caller to provide said voice utterance (col.19, lines 32-46, col.35, lines 18-27).

Regarding claims 3, 14, 26, Farris teaches the method for identifying a particular caller according to claim 1, further comprising: prompting said caller to make additional attempts [i.e., enter an additional input] to verify said caller identity (col.35, lines 41-45).

Regarding claims 4, 15, 27, Farris teaches wherein identifying a caller identity further comprises:

extracting speech characteristics from said voice utterance (col.19, lines 65, 66); and
comparing said speech characteristics with a plurality of voice samples stored for identifying a plurality of callers (col.19, lines 66,67,col.20, lines 1-5).

Regarding claims 5, 16, 28, Farris teaches the method for identifying a particular caller according to claim 1, further comprising:

transmitting said voice utterance to a IP23 [i.e., third party device] via a network (fig.1; col.19, line 65, col.35, lines 21-26) ; and

receiving said caller identity from said third party device (col.20, lines 1-5, col.35, lines 26,27).

Regarding claims 6, 17, 29, Farris teaches the method for identifying a particular caller according to claim 1, further comprising:

requesting a voice sample for said particular caller from a IP23_R [i.e., third party device] accessible via a network (fig.1; col.19, lines 60-63, 65, col.35, lines 21-26); and

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receiving said voice sample for said particular caller for enabling authenticating of said caller identity (col.20, lines 1-5, col.35, lines 26,27).

Regarding claims 7, 18, 30, Farris teaches the method for identifying a particular caller according to claim 1, further comprising:

initiating a call from said origin device to a central office 11₁ (fig.1) [i.e., intermediary device] (col.20, lines 55-57); and

forwarding said caller identity with said call initiation to said intermediary device, wherein said intermediary device is enabled to forward said caller identity to a destination station 1_B (fig.1) [i.e., destination device] to process said call (col.20, lines 57-63).

Regarding claim 11, Farris teaches the method for identifying a particular caller according to claim 1, wherein said caller identity comprises at least one from among a caller name, a caller location, a subject of said call, and a device identification (col.19, line 40, col.35, lines 23, 24).

Claim 24 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Farris teaches a program store [i.e., recording medium] (fig.2; col.15, lines 40-47).

Claim 31 is rejected for the same reasons as discussed above with respect to claim 31. Furthermore, Farris teaches detecting a voice [i.e., biometric] input at an IP23 [i.e., biometric enabled origin device] (col.11, lines 32-41, col.19, lines 32-46, col.35, lines 18-27).

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Regarding claim 32, Farris teaches the method for identifying a caller according to claim 31, wherein said biometric input comprises at least one from among an eye print, a finger print, a voice input, and a body heat scan (col.19, lines 32-46, col.35, lines 18-27).

Claim 36 is rejected for the same reasons as discussed above with respect to claims 1, 5 and 6.

7. Claims 1, 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (U.S. Patent No. 6,631,181) in view of Velius (U.S. Patent No. 5,594,784).

Regarding claims 1, 12, with respect to Figures 1-3, Bates teaches a method for identifying a particular caller, said method comprising:

detecting a voice utterance at voice messaging system (fig.1, item 10) [i.e., an origin device] (col.3, lines 41-55, 57-63, col.4, lines 3, 4);

identifying a caller identity associated with said voice utterance at said origin device, such that said caller identity is transmittable as an authenticated identity of said caller for a call (col.3, lines 57-63).

However, Bates does not teach the voice messaging system originating the call. The call of Bates is originated from the telephone terminal of the caller.

Again, Bates teaches that a voice recognition system is located in the voice messaging system to perform the claimed identification feature (col.3, lines 57-63).

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Also, Velius teaches that the caller's terminal (customer premise equipment in Fig. 1B) is equipped with the speech recognition software (26, Fig. 1B) for identifying utterances of a caller (see col.5, line 65-col.6, line 5, col.7, lines 19-21). Velius further teaches that the caller's terminal is equipped with a memory dialing list (col.6, lines 23-25). The list stores relevant speech patterns such that the patterns are used for comparing the speech input of a caller (col.6, lines 23-29). This comparison is used to recognize the voice utterances of the caller (col.7, lines 21-25).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the caller's telephone terminal of Bates to incorporate the voice recognizer/software and the identification database. The caller's terminal can then originate outgoing call and identify the calling party as claimed. Bates clearly teaches such modification by moving the software from the voice messaging system to the caller's terminal. Velius's invention proves that similar voice recognition software had been placed in the caller's terminal. The modification enables the caller's terminal to identify the identity of the calling party. Furthermore, the modification of moving the recognition software to the caller's terminal gives additional benefit of reducing the traffic between the caller's terminal and the voice messaging system.

Claim 24 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Bates teaches a program store [i.e., recording medium] (fig. 1; col.4, lines 12-19).

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8. Claims 8, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farris et al. (U.S. Patent No. 6,122,357) in view of Velius (U.S. Patent No. 5,594,784) further in view of Chan (U.S. Patent No. 6,925,166).

Regarding claims 8 and 19, Farris in view of Velius does not specifically teach "said origin device is a call center". Chan teaches that the origin device is a call center (fig.2, step 100; col.3, lines 53-57, 66, 67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farris in view of Velius to incorporate the origin device being a call center as taught by Chan. The motivation for the modification is to do so in order to provide outbound call from a call center to a target party.

Regarding claim 22, Farris in view of Velius does not specifically teach "said origin device is a computer system communicatively connected to a network enabled for voice communications". Chan teaches that the origin device is a computer system communicatively connected to a network enabled for voice communications (fig.2, step 100; col.3, lines 53-57, 66, 67). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farris in view of Velius to incorporate the origin device being a computer system communicatively connected to a network enabled for voice communications as taught by Chan. The motivation for the modification is to do so in order to provide outbound call from a computer system to a destination such that a computer terminal can function as calling device.

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9. Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farris et al. (U.S. Patent No. 6,122,357) in view of Velius (U.S. Patent No. 5,594,784) further in view of Baker (U.S. Patent No. 5,533,109).

Regarding claims 9 and 20, Farris in view of Velius fails to teach "said origin device is a private exchange network". Baker teaches that the calling party device [i.e., origin device] is a PBX unit [i.e., private exchange network] (fig.1, fig.2; col.2, lines 26-55). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Farris in view of Velius to incorporate the origin device being a private exchange network as taught by Baker. The motivation for the modification is to have the private exchange network in order to provide the multiple users as the calling party.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Md. Shafiqul Alam Elahiee
MD SHAFIUL ALAM ELAHEE
Examiner
Art Unit 2614
November 8, 2007